

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CORBIN JUSTIN HOWARD I, et al.,

Plaintiffs,

:

Case No. 3:09-cv-352

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

DARKE COUNTY CHILDREN
SERVICES, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 3), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on October 9, 2009, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this action be dismissed without prejudice for failure of the Complaint to state a claim upon which relief can be granted.

October 13, 2009.

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge